

**LEWIS  
AND  
ROCA**  
LLP  
LAWYERS

E-Filed on 3/25/09

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

USA CAPITAL REALTY ADVISORS, LLC,<sup>1</sup>

USA CAPITAL DIVERSIFIED TRUST DEED  
FUND, LLC,

USA CAPITAL FIRST TRUST DEED FUND,  
LLC,<sup>2</sup>

USA SECURITIES, LLC,<sup>3</sup>

Debtors.

**Affects:**

- ☐ All Debtors  
☒ USA Commercial Mortgage Company  
☐ USA Capital Realty Advisors, LLC  
☐ USA Capital Diversified Trust Deed Fund, LLC  
☒ USA Capital First Trust Deed Fund, LLC  
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR  
Case No. BK-S-06-10726-LBR<sup>1</sup>  
Case No. BK-S-06-10727-LBR  
Case No. BK-S-06-10728-LBR<sup>2</sup>  
Case No. BK-S-06-10729-LBR<sup>3</sup>

**CHAPTER 11**

Jointly Administered Under Case No. BK-S-  
06-10725 LBR

**NOTICE OF HEARING REGARDING  
OBJECTION OF USACM TRUST TO  
PROOF OF CLAIM OF NEWBY 1984  
FAMILY TRUST DATED 3/19/84 AS  
FILED PARTIALLY IN WRONG  
DEBTOR'S CASE; OBJECTION OF  
DTDF TO PROPOSED ALLOWANCE  
OF CLAIM**

Hearing Date: April 30, 2009

Hearing Time: 9:30 a.m.

**THE USACM LIQUIDATING TRUST IS OBJECTING TO THE CLAIM  
THAT YOU FILED. The USACM Trust seeks to disallow your claim because the  
USACM Trust contends that Claim No. 10725-02487 is partially based upon an**

<sup>1</sup> This bankruptcy case was closed on September 23, 2008.

<sup>2</sup> This bankruptcy case was closed on October 12, 2007.

<sup>3</sup> This bankruptcy case was closed on December 21, 2007.

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1 investment in USA Capital Diversified Trust Deed Fund (“DTDF”) and was  
2 therefore filed in the wrong debtor case.

3 **PLEASE DO NOT CONTACT THE CLERK OF THE BANKRUPTCY**  
4 **COURT TO DISCUSS THE MERITS OF YOUR CLAIM.** QUESTIONS  
5 REGARDING THE AMOUNT OF A CLAIM OR THE FILING OF A CLAIM  
6 SHOULD BE DIRECTED TO BRANT FYLLING AT SIERRA GROUP  
7 CONSULTING, LLC (602-424-7009) OR TO THE UNDERSIGNED COUNSEL.

8 NOTICE IS HEREBY GIVEN that the USACM Liquidating Trust by and  
9 through its counsel, has filed an Objection of USACM Trust to Proof of Claim of Newby  
10 1984 Family Trust Dated 3/19/84 As Filed Partially in Wrong Debtor’s Case; Objection of  
11 DTDF to Proposed Allowance of Claim (with Certificate of Service) (the “Objection”).  
12 The USACM Trust respectfully requests that the Court enter an order pursuant to § 502 of  
13 title 11 of the United States Code (the “Bankruptcy Code”) disallowing \$144,000 of your  
14 claim against USACM, disallowing any proposed allowance of your claim in the DTDF  
15 case, and appropriately allowing you to retain an equity interest in DTDF in the amount of  
16 \$144,141.97 as reflected in the books and records of DTDF as of April 13, 2006. The  
17 remaining balance of the claim is subject to further objection.

18 NOTICE IS FURTHER GIVEN that the hearing on the Objection will be held  
19 before the Honorable Linda B. Riegler, U.S. Bankruptcy Court Judge in the Foley Federal  
20 Building, 300 Las Vegas Blvd. South, 3<sup>rd</sup> Floor, Courtroom No. 1, Las Vegas, Nevada on  
21 **April 30, 2009, at the hour of 9:30 a.m.**

22 NOTICE IS FURTHER GIVEN THAT THE HEARING SET ON APRIL 30,  
23 2009, WILL BE HELD FOR THE PURPOSE OF STATUS CHECKS AND  
24 SCHEDULING EVIDENTIARY HEARINGS ONLY. NO ARGUMENTS WILL BE  
25 HEARD ON THAT DATE.  
26

2032648.1

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L A W Y E R S

Copy of the foregoing mailed by first class  
Postage prepaid U.S. mail  
On March 25, 2009 to:

Newby 1984 Family Trust Dated 3/19/84  
c/o C E Newby & Carole Newby Trustees  
5209 Elm Grove Dr  
Las Vegas, NV 89130-3669

/s/ Carrie Lawrence  
Carrie Lawrence